

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
EAGLE PROPERTIES AND)	Bankruptcy Case
INVESTMENTS, LLC,)	No. 23-10566-KHK
)	Chapter 7
Debtor.)	

**ORDER APPROVING SALE OF 445 WINDOVER AVE, NW, VIENNA, VA FREE AND
CLEAR OF LIENS, CLAIMS AND INTERESTS PURSUANT TO 11 U.S.C. §§ 363(f)**

UPON CONSIDERATION of the motion (Docket No. 413) (“Motion”) of H. Jason Gold, chapter 7 trustee (“Trustee”), to approve the sale of the property commonly known as 445 Windover Ave, NW, Vienna, VA (“Property”); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that the first lien holder Atlantic Union Bank will be paid in full at closing and that Bala Jain; LLC has consented to the sale of the Property as set forth herein, free and clear of all liens claims and interests, accordingly:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Trustee is authorized to sell the Property¹ to Wellset LLC (the “Purchaser”) for

¹ Having the following legal description:

\$865,000.00 consistent with the sales contract attached to the Motion as Exhibit A.

3. The Trustee is authorized to pay the secured claim of Atlantic Union Bank in full at closing.

4. At closing, the Trustee shall receive, for the benefit of the estate the sum of \$25,950.00 representing his commission under Section 326 of the Bankruptcy Code plus \$78,250.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims and interests.

5. The Trustee is authorized to pay a four and one half percent (4.5%) commission his broker Century 21 New Millennium at closing for services rendered in representing the Trustee in connection with the sale.

6. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount not to exceed \$1,000.00 for any utility and property preservation expenses as needed.

7. The Trustee is authorized to pay all past-due real estate taxes with respect to the Property.

8. The Trustee is authorized to pay the remaining net proceeds of sale after payment of costs to Bala Jain, LLC consistent with the draft ALTA attached hereto as Exhibit A.

9. The Trustee is authorized to request and receive all information concerning the liens and debt held by any secured creditor necessary to close on the sale including but not limited to the loan payoff balance, proof of lien perfection, hazard insurance coverage, escrow account balance and other information. Secured creditors are authorized and directed to promptly provide

Lot 5, of the Resubdivision of Block Seventeen, WINDOVER HEIGHTS, as the same appears duly dedicated, platted and recorded in Deed Book 2016 at Page 243, original Dedication recorded in Deed Book R-5 at page 82, and Plats recorded in Plat Book 5 at page 46 and 47, among the Land Records of Fairfax County, Virginia.

said information to the Trustee upon request of the Trustee, subject to the right of any secured creditor to oppose the request.

10. This Order may be recorded in the land records wherein the subject Property is located.

11. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

12. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: May 20 2024

/s/ Klinette H Kindred
United States Bankruptcy Judge

Entered On Docket: May 21 2024

PREPARED BY:

NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
Tel: (202) 689-2800
Fax: (202) 689-2860
Email: dylan.trache@nelsonmullins.com

By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN:

ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176
Phone No. (703) 777-8850
Fax No: (703) 777-8854
E-mail: crogan@RMZLawFirm.com

BY: /s/Christopher L. Rogan (by DGT with authority)
Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache
Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
1725 Duke Street, Suite 650
Alexandria, Virginia 22314

Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium
6629 Old Dominion Drive
McLean, VA 22101

Corey S. Booker
1051 East Cary Street, Suite 1200
Richmond, VA 23219

J.P. McGuire Boyd, Jr.
WILLIAMS MULLEN
200 South 10th Street, Suite 1600
Richmond, VA 23218-1320

Christopher Rogan
ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176

Exhibit A



A. Settlement Statement (HUD-1)

B. Type of Loan

1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHS	3. <input type="checkbox"/> Conv. Unins.	6. File No. 2024-040903	7. Loan No.	8. Mortgage Insurance Case No.
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv Ins.				
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.					
D. Name & Address of Borrower: Wellset LLC 2567 Chain Bridge Road Suite 2E Vienna, VA 22181			E. Name & Address of Seller: H. Jason Gold, Chapter 7 Bankruptcy Trustee of The Bankruptcy Estate of Eagle Properties and Investments, LLC P.O. Box 57359 Washington, DC 20037		F. Name & Address of Lender:
G. Property Location: 445 Windover Avenue Northwest Vienna, VA 22180			H. Settlement Agent: RL Title and Escrow, Inc. Place of Settlement: 8229 Boone Boulevard Suite 610 Vienna, VA 22182		I. Settlement Date: 05/21/2024 Funding Date: 05/21/2024 Disbursement Date: 05/21/2024

J. Summary of Borrower's Transaction

100. Gross Amount Due from Borrower	
101. Contract sales price	\$865,000.00
102. Personal property	
103. Settlement charges to borrower (line 1400)	\$11,194.08
104.	
105.	
Adjustment for items paid by seller in advance	
106. City/Town Taxes 05/21/2024 to 06/30/2024	\$188.39
107. County Taxes 05/21/2024 to 06/30/2024	\$1,036.93
108. Assessments	
109.	
110.	
111.	
112.	
120. Gross Amount Due from Borrower	\$877,419.40
200. Amount Paid by or in Behalf of Borrower	
201. Deposit	\$50,000.00
202. Principal amount of new loan(s)	\$500,000.00
203. Existing loan(s) taken subject to	
204.	
205.	
206.	
207.	
208. Seller Credit	\$1,000.00
209.	
Adjustments for items unpaid by seller	
210. City/Town Taxes	
211. County Taxes	
212. Assessments	
213.	
214.	
215.	
216.	
217.	
218.	
219.	
220. Total Paid by/for Borrower	\$551,000.00
300. Cash at Settlement from/to Borrower	
301. Gross amount due from borrower (line 120)	\$877,419.40
302. Less amounts paid by/for borrower (line 220)	\$551,000.00
303. Cash <input checked="" type="checkbox"/> From <input type="checkbox"/> To Borrower	\$326,419.40

K. Summary of Seller's Transaction

400. Gross Amount Due to Seller	
401. Contract sales price	\$865,000.00
402. Personal property	
403.	
404.	
405.	
Adjustment for items paid by seller in advance	
406. City/Town Taxes 05/21/2024 to 06/30/2024	\$188.39
407. County Taxes 05/21/2024 to 06/30/2024	\$1,036.93
408. Assessments	
409.	
410.	
411.	
412.	
420. Gross Amount Due to Seller	\$866,225.32
500. Reductions in Amount Due to Seller	
501. Excess deposit (see instructions)	
502. Settlement charges to seller (line 1400)	\$176,727.63
503. Existing loan(s) taken subject to	
504. Payoff to Atlantic Union Bank	\$397,647.38
505. Payoff to Bala Jain	\$290,850.31
506.	
507.	
508. Seller Credit	\$1,000.00
509.	
Adjustments for items unpaid by seller	
510. City/Town Taxes	
511. County Taxes	
512. Assessments	
513.	
514.	
515.	
516.	
517.	
518.	
519.	
520. Total Reduction Amount Due Seller	\$866,225.32
600. Cash at Settlement to/from Seller	
601. Gross amount due to seller (line 420)	\$866,225.32
602. Less reductions in amounts due seller (line 520)	\$866,225.32
603. Cash <input checked="" type="checkbox"/> To <input type="checkbox"/> From Seller	

The Public Reporting Burden for this collection of information is estimated at 35 minutes per response for collecting, reviewing, and reporting the data. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. No confidentiality is assured; this disclosure is mandatory. This is designed to provide the parties to a RESPA covered transaction with information during the settlement process.

L. Settlement Charges

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700. Total Real Estate Broker Fees		Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
Division of commission (line 700) as follows :			
701. \$38,925.00 to Century 21 New Millennium			
702. \$			
703. Commission paid at settlement			
704.			\$38,925.00
800. Items Payable in Connection with Loan			
801. Our origination charge	(from GFE #1)		
802. Your credit or charge (points) for the specific interest rate chosen	(from GFE #2)		
803. Your adjusted origination charges	(from GFE #A)		
804. Appraisal fee	(from GFE #3)		
805. Credit report	(from GFE #3)		
806. Tax service	(from GFE #3)		
807. Flood certification	(from GFE #3)		
808.			
809.			
810.			
811.			
900. Items Required by Lender to be Paid in Advance			
901. Daily interest charges from 05/21/2024 to 06/01/2024 @ \$90.28 /day	(from GFE #10)	\$993.08	
902. Mortgage insurance premium	(from GFE #3)		
903. Homeowner's insurance	(from GFE #11)		
904. 1st half 2024 Town of Vienna RE Taxes to Town of Vienna			\$847.74
905. 1st half 2024 Fairfax County RE Taxes to Department of Tax Administration			\$4,666.17
1000. Reserves Deposited with Lender			
1001. Initial deposit for your escrow account	(from GFE #9)		
1002. Homeowner's insurance			
1003. Mortgage insurance			
1004. Property taxes			
1005.			
1006.			
1007. Aggregate Adjustment \$0.00			
1100. Title Charges			
1101. Title services and lender's title insurance	(from GFE #4)	\$1,475.00	
1102. Settlement or closing fee to RL Title and Escrow, Inc.			
1103. Owner's title insurance to Fidelity National Title Insurance Company	(from GFE #5)	\$2,039.00	
1104. Lender's title insurance to Fidelity National Title Insurance Company \$1,475.00			
1105. Lender's title policy limit \$500,000.00			
1106. Owner's title policy limit \$865,000.00			
1107. Agent's portion of the total title insurance premium to RL Title and Escrow, Inc.			
1108. Underwriter's portion of the total title insurance premium to Fidelity National Title Insurance Company			
1109. Settlement and Closing Fee to RL Title and Escrow, Inc.		\$895.00	
1110. Title Binder and Policy to RL Title and Escrow, Inc.		\$225.00	
1111. Title Search to Round Table Title, Inc.		\$110.00	
1112. Attorney Title Examination Fee to RL Title and Escrow, Inc.		\$150.00	
1113. Courier/Wire Fees to RL Title and Escrow, Inc.			\$150.00
1114. E-Recording Fee to Simplifile		\$10.00	
1200. Government Recording and Transfer Charges			
1201. Government recording charges	(from GFE #7)	\$107.00	
1202. Deed \$47.00 Mortgage \$60.00 Release \$ to Fairfax County Recording Office			
1203. Transfer taxes	(from GFE #8)	\$4,565.00	
1204. City/County tax/stamps Deed \$724.58 Mortgage \$416.67 to Fairfax County Recording Office			
1205. State tax/stamps Deed \$2,173.75 Mortgage \$1,250.00 to Fairfax County Recording Office			
1206. Regional WMTA Fee (Deed) to Fairfax County Recording Office			\$869.50
1207. Regional Congestion Relief Fee (Deed) to Fairfax County Recording Office			\$869.50
1208. County Grantor Tax (Deed) to Fairfax County Recording Office			\$434.75
1209. State Grantor Tax (Deed) to Fairfax County Recording Office			\$434.75
1210.		\$625.00	
1300. Additional Settlement Charges			
1301. Required services that you can shop for	(from GFE #6)		
1302. Bankruptcy Estate Payment to H. Jason Gold, Trustee			\$78,250.00
1303. Expense Reimbursement to RealMarkets			\$65.00
1304. Past Due Fairfax Co. RE Taxes 2021-2022 to Fairfax County DTA			\$14,510.95
1305. Town of Vienna Past Due Real Estate Taxes to Town of Vienna			\$415.96
1306. 326(a) Bankruptcy Trustee Commission to H. Jason Gold, Trustee			\$25,950.00
1307. Past Due Fairfax County RE Taxes 2023 to Department of Tax Administration			\$10,338.31
1308.			
1309.			
1310.			
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)		\$11,194.08	\$176,727.63

See signature addendum

Wellset LLC, a Virginia Limited Liability Company

The Bankruptcy Estate of Eagle Properties and Investments, LLC

By: _____

By: _____

Monika Jain, Sole Member

Date

H. Jason Gold, Chapter 7 Bankruptcy Trustee

Date

The HUD-1 settlement statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement

Settlement Agent

Date